

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

VIRGINIA BUCKLAND,

Plaintiff,

v.

OHIO NATIONAL LIFE  
ASSURANCE CORPORATION,

Defendant.

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C.A. No. 4:15-cv-400

**NOTICE OF REMOVAL**

Defendant Ohio National Life Assurance Corporation (“Ohio National”), for the purpose only of removing this cause to the United States District Court for the Northern District of Texas, Fort Worth Division, states:

**I. STATE COURT ACTION**

Plaintiff Virginia Buckland (“Buckland”) filed a lawsuit against Ohio National in the 141st Judicial District Court of Tarrant County, Texas, Cause No. 141-277896-154, seeking benefits under term life insurance policy number 6847485 issued by Ohio National to insure the life of Anita Fox (“Policy”). Fox was subsequently murdered, and Buckland made a claim for benefits under the Policy. Ohio National has been unable to make a claim determination, and Buckland filed this lawsuit asserting claims against Ohio National for breach of contract and violations of the Texas Insurance Code. (Petition ¶¶ 7-10.)

## **II. SUBJECT MATTER JURISDICTION EXISTS**

### **A. THE COURT HAS DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332**

#### **1. Complete Diversity**

Buckland was a citizen of the State of Texas at the time this action was filed and remains a citizen of Texas as of the date of this removal. Ohio National is an Ohio corporation its principal office and place of business in Cincinnati, Ohio, both at the time this action was filed and as of the date of removal.

#### **2. The Requisite Amount in Controversy is Satisfied**

In the Petition, Buckland seeks policy benefits in the amount of \$1,000,000, “doubling of damages” of \$2,000,000, mental anguish damages of \$50,000, penalty interest of 18%, pre- and post-judgment interest, and attorneys’ fees. (Petition ¶¶ 7-16.) As such, the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

## **III. REMOVAL IS PROPER**

Since the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and this action is between citizens of different states, this Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332. Accordingly, this action may be removed pursuant to 28 U.S.C. § 1441. In addition, removal is timely under 28 U.S.C. § 1446(b) as citation was served on Ohio National on April 28, 2015.

#### **IV. STATE COURT DOCUMENTS ATTACHED**

Pursuant to Local Rule 81.1(a)(3), an Index of State Court Documents is attached as Exhibit A, which includes a copy of the state court docket sheet and all documents filed in the state court action. The attached documents constitute the only pleadings, process, or orders received by Ohio National in this action. The Certificate of Interested Persons is attached as Exhibit B and is filed separately.

#### **V. RELIEF REQUESTED**

Ohio National respectfully requests that the United States District Court for the Northern District of Texas, Fort Worth Division, accept this Notice of Removal and that it assume jurisdiction of this cause.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
OHIO NATIONAL LIFE  
ASSURANCE CORPORATION

**CERTIFICATE OF SERVICE**

I certify that all attorneys deemed to accept service of the above-referenced document electronically will be notified via the Court's CM/ECF system and all others will be notified via U.S. mail or email on this 26th day of May 2015.

s/ Jill B. Davenport  
Jill B. Davenport